



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,241	07/29/2003	John Smithbaker	00PT01-20	6602
42825	7590	09/21/2004	EXAMINER	
EDWIN S. WALL 8 EAST BROADWAY, SUITE 500 SALT LAKE CITY, UT 84111			BEN, LOHA	
			ART UNIT	PAPER NUMBER
			2873	
DATE MAILED: 09/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/629,241

Applicant(s)

SMITHBAKER ET AL.

Examiner

LOHA BEN

Art Unit

2873

*AB*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

*Loha Ben*

**Loha Ben**  
**Primary Examiner**

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: \*\*\*

## **DETAILED ACTION**

### **(A) Suggestion and Indication**

#### **I. In the Specification**

Page 10: line 2 from the bottom, "4" should be – 6 --.

Page 14: line 15, "11"(second occurrence) should be – 4 --.

Page 15: line 3, spiral groove "13" is not seen illustrated in the drawings; and line 17, "11" should be replaced with – 3 --.

Page 17: line 18, "be" should be deleted.

#### **II. In the Drawings**

The spiral groove "13" as indicated above is not seen illustrated.

#### **III. In the Claims**

In claim 1: line 3, after "adjustment"(first occurrence), -- pin -- should be inserted; and line 4, "grove" should be – groove --.

In claim 2: line 6, before "move", -- to -- should be inserted; line 9, "A" should be – a --; line 10, "to"(second occurrence) should be deleted; line 11, "."(period) should be replaced with -- ; --; and line 12, "The" should be replaced with – a --.

### **(B) Claims Rejection**

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: \*\*\*

In claim 1: lines 4-6 are not understood. Is the at least one ring recited on line 4 the same ring recited on line 5? Where is the guidance groove formed -- on the inside or the outside surface of the support ring (3)? Wherever it is formed, it is not seen illustrated in the drawings. And based on the language now recited, the guidance groove appears to be formed on the outside surface of the support ring.

In claim 1: line 2, "the outer circumference" has no antecedent basis; line 6, "the adjustment pins" has no antecedent basis; and line 7, "said adjustment grooves" and "**the Twist Up** adjustment groove" have no antecedent basis.

In claim 2: line 2, "the outer circumference" has no antecedent basis; line 4, "said **Twist Up** ring" has no antecedent basis; lines 6 and 10, "the Twist Up adjustment pins" has no antecedent basis; line 7, "the said Twist Up adjustment grooves" has no antecedent basis; lines 9 and 10, "the Twist Up adjustment grooves" has no antecedent basis; and lines 13 and 14, "the said **Twist Up** ring" has no antecedent basis.

In claim 3: "the first opening" and "the second opening" ( line 2 ), "the the Twist Up ring" ( line 3 ), "the end of the second opening" ( line 4 ), "the Twist Up ring" ( line 5 ), and "the first opening" ( line 6 ) have no antecedent basis.

In claim 4: "the Twist Up adjustment grooves" ( lines 1 and 2 ) has no antecedent basis.

In claims 5 and 6, line 1, and in claims 7-12, lines 2 and 3, "the Twist Up ring" has no antecedent basis.

Art Unit: \*\*\*

### **Allowable Subject Matter**

Due to a confusing language noted on lines 4-6 of claim 1, and antecedent problems found in both independent claims 1 and 2, indication of allowability of the present invention cannot be provided at this time pending correction and clarification of the problems of all claims.

### **Communication**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Loha Ben whose telephone number is (571) 272-2323. The examiner can normally be reached on Monday to Saturday, generally between 12:00 noon and 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps, can be reached on Monday to Friday, at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/629,241

Page 5

Art Unit: \*\*\*

September 17, 2004

A handwritten signature in black ink, appearing to read 'Loha Ben', with a stylized, cursive script.

**Loha Ben**  
**Primary Examiner**